"A" Collection

G. R. S. App. F. IX-4]

Previous References.

Legs 6-41-1

Later References.

Legs 17-45-1

194 / -

(Legs)

Legs **File No.** 36-41

Serial Nos. 1

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One only

Part B for May 1942

SUBJECT.

The Mysore European British Subjects Re-Instatement Amendment) Bill

To the Compiler Mysore Gazette

RL 1315 Legs 36-41-1, dated 13th Jan 1942

Directs the publication of

K.S. Murthy 21.9.42

Serial No.

From

The Secretary to the Govt. of the Resident

F. 37(1) - 40/W dated 18th July 1941.

re the National Service (European British Subjects) (Amendment) Ordinance 1941.

A Copy of Ordinance VI of 1941 referred to by the Residency is put up. It amends the National Service (European British Subjects) Act of 1940

2. At the suggestion of the Residency an Act has been passed in Mysore, the Mysore European British Subjects Reinstatement Act 1941, which supplements the British Indian Act. As the British Indian Act applies to all European British Subjects wherever resident in India our legislation has been confined to those provisions only which relate to employers in Mysore.

3. The Ordinance amends sections 4 and 8. of them it is only the latter amendment that requires consideration here. Section 3 of our Act corresponding to section 8 would appear to require amendment in the light of the Ordinance ~~in so far as it relates to the~~ which the British Indian Act

4. The scope of the amendments (1) to improve the language in one or two places so as to bring out the intention more clearly;

(2) to provide for reference to a tribunal in cases where an employer refuses to reinstate or denies his liability to reinstate, and

(3) to [illegible] regarding the liability

The National Service (European British Subjects) amendment ordinance

File No of 194

General and Revenue Secretariat
R. A. & [C.

Serial No.

to reinstate by terminating service before the employee is actually called up.

5) These Changes are indicated in the Copy of the Act first up.

6) It is for consideration if a Bill incorporating this amendment may be got ready and brought up before the R.A. in Oct^br and the L^e Meeting. It is not perhaps necessary to issue it as an Emergency Act in the first instance immediately.

Sec 5/8

RA/Le)

7) The Ordinance Bills may be issued as an emergency measure, or as regular Bills being placed before the Coming Session of the R.A., as it will take at least six months for the Bill to become law.

MRW 8/8

Law Secy)

8) May be introduced in the October Session of R.A.

Minister for Law.) Hon 8/8/41.

9) Please put up the full Bombay Industrial Act (incorporating amendment) & see if our Act requires amendment. If it does, it may be placed before R.A.

101 Our case is likely to

OFFICE OF THE MINISTER FOR LAW
AUG 9 1941
No. 1371

The Myore European British Subjects 96/41 & Reinstatement (amendment) Bill.

neral and Revenue Secretariat R. A. & L. C. | File No. | of 194 | [App. F. III-2

Serial No.

Before amendments under movement procedure is completed, which will be beyond end of Dec'r 41

Hm
10/8

Hm
2
11/8/41
11/8

A Copy of section 8 of the British Indian Act incorporating the amendments now made is put up. The amendments are also indicated.

As submitted at para 3 above, an Act would appear to require amendment if it should be brought into line with the British Indian Act as amended. A draft Bill and a statement of general principles in this behalf are also submitted for consideration.

If approved steps will be taken to place this Bill before the R.A. in October.

Submitted with reference to the Law Ministers minute

File No. of 194

General and Revenue Secretariat
R. A. & L C

Serial No.

..... This is a Council matter
and may be disposed of by
circulation

Dewan, Hm 2 19/8/41.

Hm 20/8

Hm 22/8/41

For favour of circulation

Chief Secy (Hm 2 22/8/41.

Hm 22.8.41

DEWAN'S OFFICE
RSR
NO 1452

Submitted with a
circulation memo
Bar 27/8/41 Signed
MK
27/8

Re Bryne European British Subjects' Reinstatement (Amendment) Bill

General and Revenue Secretariat R. A. & L. C.	File No. 96/41 of 194	[App. F. III-2

Serial No.

DEWAN'S OFFICE
8. SEP. 1941
NO. 1929

SECY. LAW DEPT. 19 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR LAW
8EP 6 1941
No. 2254

A D N is put up

Sec'y (R A & L C) 1/9/41

BVR 1.9.41

Law Secy

D. 7. N. submitted

(Minister for Law.) 7. N. Signed 4/9/41

BVR 5.9.41

5/9

S. N. submitted

Dewan) 6/9/41

General and Revenu
Secretariat
P. A. & L. C

Serial
No.

For Disposal by Circulation.

No. C. 168

of 1941-42

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

The Mysore European British Subjects Reinstatement (Amendment) Bill.

Circulated to the Council of Ministers.

By Order,

Chief Secretary to Government.

27th August 1941.

1028 / 28.8.41 **Minister for Finance and Revenue.** 28.8

Minister for Law. (Seen)

1470 / 28.8.41 **Minister for Education.** 29-8-41

415 / 29.8.41 **Minister for Local Self-Government and Public Health.** 29.8.41

SECY. LAW DEPT. 30 AUG. 1941 GOVT OF MYSORE

Law Secy with Compliments

30/8

30/8/41

BXR 30.8.41

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the proposal to place the Mysore European British Subjects Re-Instatement (Amendment) Bill before the Representative Assembly at its ensuing session and thereafter to introduce it in the Legislative Council, for His Highness's gracious approval.

D E W A N.

Bangalore,
8th September 1941.

General and Revenue

Secretariat.

SUBJECT:—

The Mysore European British Subjects Re-instatement (Amendment) Bill.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

34. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

.....Law.....Department. 11/9/41.

1412 / 12.9.41 Minister for Finance and Revenue. 15.9

2456 / 12.9.41 Minister for Law. 17/9

1796 / 15.9.41 Minister for Education. 15-9-41

1651 / 16-9-41 Minister for Local Self-Govt. and Public Health. 16.9.41

Law Secy. with Compliments

WD 02878—GPB—300—26-6-41

16/9

17/9/41

re Mysore European British Subjects' Reinstatement (amendment) Bill.

General and Revenue Secretariat R. A. & L. C.	File No.	of 194	[App. F. III-2
		96/42	

Serial No.

The previous sanction of the Hon'ble Minister has been accorded to place the Bill before the Rt.

Please take immediate action to do so. A copy of the Bill and Statement may be sent to Commandr Translation office also today alone

17-9-41

OFFICE OF THE SECRETARY
Mr D.S.
17 SEPT. 1941
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE C[illegible]

The Bill is ready for the Rt. Hon'ble orders as to who will be in charge of the Bill in the Rt

17.9.41

Secy
Revenue

The Law Secretary may be in charge of the Bill

BCR
27.9.41

Law Secy

SECY. LAW DEPT.
* 28 SEP. 1941 *
GOVT OF MYSORE

Hon'ble
2
28/9/41.

The principle of this Bill was approved by the Rt. Hon'ble Ministers.

The Bill will be published under rule 36 of the Mysore Legislative Rules, if approved.

The St. of principle will be adopted as the St. of Objects and Reasons.

3.11.41

Law Secy) May be approved
Minister)
for Law

Hon'ble
3/11/41

4/11/41 Hon'ble

OFFICE OF THE
MINISTER FOR LAW
NOV 4 1941
1303

NOTE—Contin. Sheet.

File No. Bill 96/41 of 194

General and Revenue Secretariat R. A. & T. C.

Serial No.

DEPUTY'S OFFICE
6. NOV. 1941
No. 3762
29

OFFICE OF THE SECRETARY
M.W.S.
10 NOV. 1941
REPRESENTATIVE ASSEMBLY AND COUNCIL

A draft Notification publishing the bill in the Gazette under rule 36 of the Mysore legislative rules is put up for approval.

Issue

The Constitution Mysore Gazette Notification No RL 922 dated 12 directs the publication of the bill under rule 36 of the Mysore legislative rules.

This Bill makes minor and non Controversial Amendments. Even the original Act was not referred to a Select Committee. The following motions are Hence suggested

1. Motion that the Bill published under rule 36 of the Mysore legislative Rules be taken into Consideration by the Council at once

Mover: Minister for Law

Secretary: Law Secy

Final Note by the Minister for Law.

Subject.—

The Mysore European British Subjects Reinstatement (amendment) Bill.

The gracious approval of His Highness was accorded on the 9 September 1941 to place the Mysore European British Subjects Reinstatement (amendment) Bill, before the Representative Assembly and to to introduce it thereafter in the Legislative Council.

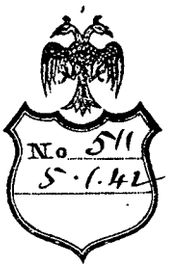
The statement of principles of the Bill was approved by the Representative Assembly unanimously during its session in October and the bill which was introduced in the Legislative Council this month, was passed by it at one sitting. A copy of the Bill as passed by the Legislative Council and signed by the President, in accordance with Standing Order 44 of the Mysore Legislative Council Standing Orders, is also submitted herewith.

I now solicit the gracious sanction of His Highness to promulgate the Bill into law as a permanent measure.

MINISTER FOR LAW.

Bangalore,
29th December 1941.

Record of Cases submitted for the Orders of His Highness the Maharaja.



Subject.

Promulgation into law of the Mysore European British Subjects Reinstatement (amendment) Bill.

Order.

VRN.
6/1/'42

The Mysore European British Subjects Reinstatement (Amendment) Act

General and Revenue Secretariat
R. A. & L. C.

Legis File No. 31 961-5 of 1941. App. F. III-2

Serial No.

The gracious assent of His Highness has been accorded on the 6th January 1942 to promulgate the Bill into Law

A draft g.o. directing publication of the Act as Act No V of 1942 is put up for approval

27-1-42

SDS 27.1.42

Secy (RA & Re)

BKR 27.1.42

Law Secy)

Hm 2 27.1.42

JSHA SDS BKR 27.1.42 SDS 27.1.42

SECY. LAW DEPT. R 46 27 JAN 1942 GOVT OF MYSORE

Issued No RL 1315 Legis 36-41-1 dated 27th January 1942 to the Compiler, Mysore Gazette directs publication of The Mysore European British Subjects Reinstatement (amendment) Act. 1941-2. as Act No. V of 1942

This file will be recorded, if approved

19-5-42

BVM 19/5

US SDS

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F.37(1)-40/W.

Vol. 115

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

CHIEF SECRETARY. 21. JUL. 1941 GOVT. OF MYSORE.

Dated Bangalore, the 18th July *1941*

The National Service (European British Subjects) Amendment Ordinance, 1941.

SIR,

I am directed to refer to my letter No.F.37-40/W, dated the 10th August 1940, and to invite the attention of the Government of Mysore to the National Service (European British subjects) Amendment Ordinance, 1941 (Ordinance No.VI of 1941) published in the Gazette of India Extraordinary dated the 30th June 1941.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

KRL

REGISTERED No. N-1

THE CENTRAL PROVINCES AND BERAR GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NAGPUR, FRIDAY, JULY 11, 1941

POLITICAL & MILITARY DEPARTMENT

Nagpur, the 11th July 1941.

The following Ordinance and notification of the Government of India are reproduced for general information.

C. M. TRIVEDI,
Secy. to Govt., C. P. & Berar, P. & M. Dt

LEGISLATIVE DEPARTMENT

Simla, the 30th June 1941.

ORDINANCE No. VI OF 1941

An Ordinance further to amend the National Service (European British Subjects) Act, 1940.

WHEREAS an emergency has arisen which makes it necessary further to amend the National Service (European British Subjects) Act, 1940 (XVIII of 1940), for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, C. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the National Service (European British Subjects) Amendment Ordinance, 1941.

(2) It shall come into force at once.

2. *Insertion of new section 4A in Act XVIII of* 1940.—After section 4 of the National Service (European British Subjects) Act, 1940 (XVIII of 1940), (hereinafter referred to as the said Act) the following section shall be inserted, namely:—

"4A. *Determination of question whether a person is liable to be called up for national service.*—(1) If any question arises with respect to a person on whom it is proposed to serve a notice under sub-section (1) of section 4, or with respect to a person on whom a notice under sub-section (1) of section 4 has been served, whether such person is liable under this Act to be called up for national service, the competent authority shall, unless question has proved capable of settlement by agreement, apply or cause an application to be made to the District Magistrate or to an officer specially empowered in this behalf by the Central Government in the area in which such person is for the time being present to have the matter determined, and such Magistrate or other officer, after hearing both parties to the question or giving them a reasonable opportunity of being heard, shall summarily determine the matter, and the decision of such Magistrate or other officer shall be final.

(2) A claim with respect to a person on whom a notice under sub-section (1) of section 4 has been served that he is not liable under this Act to be called up for national service shall be presented by the claimant to the competent

authority, not later than the date on which the person concerned is required by the said notice to present himself for examination by the National Service Advisory Committee, and shall be accompanied by a statement of such claim in writing to the competent authority, and no such claim may be made at any other time or in any other manner.

In determining any question referred to in sub-section (1) the fact that a person has registered himself as a European British subject under the provisions of the Registration (Emergency Powers) Act, 1940 (I of 1940), or that he has, after a determination under section 4 of that Act, been registered as a Eur pean British subject under the prov sions of that Act, shall be conclusiv proof that such person is a Europea British subject for the purposes of th Act."

Amendment of section 8, *Act XVIII* .—(1) Section 8 of the said Act shall b mbered as sub-section (1) of that sectic in the said section as so renumbered—

) for the words "at the termination that service", the words "at the term nation of his national service or servi in the armed forces or training as cadet where such training is not fol lowed by service in the armed forces as the case may be," and for the word "had he not been so taken into servic as aforesaid" the words "had his em ployment not been so interrupted' shall be substituted;

in the first proviso, for the words "Provided that if for any reason the reinstatement of such person or member" the following words shall be substituted, namely:—

Provided that if the employer refuses to reinstate such person, or denies his liability to reinstate such person or if for any reason the reinstatement of such person,"

and the words "or member" where they occur for the second and third times, shall be omitted;

in the second proviso, for the words "from the termination of the national service for which he was called up under this Act" the words "from the termination of his national service, or service in the armed forces or training as a cadet where such training is not followed by service in the armed forces, as the case may be" shall be substituted.

To the said section as so renumbered llowing sub-section shall be added, y:—

The duty imposed by sub-section (1) upon an employer to reinstate in his employment a person such as is described in that sub-section shall attach to an employer who before such person is actually called up or taken nto service terminates his employment in circumstances such as to indicate an intention to evade the duty mposed by that sub-section, and such ntention shall be presumed until the ontrary is proved if the termination of employment takes place after the ssue of a notice under sub-section (1)

Simla, the 1st July 1941.

No. 573-OR-7-41.—In exercise of the owers conferred by clause (*d*) of rule 97 of ie Defence of India Rules, the Central Gov- nment is pleased to direct that the Schedule annexed to its notification in the efence Co-ordination Department No. 573- R-1-41, dated the 28th May 1941, shall be urther varied—

(*a*) by inserting the names and addresses specified in Part I of the Schedule hereto annexed; and

(*b*) by deleting the names and addresses specified in Part II of the said Schedule.

SCHEDULE

PART I.—ADDITIONS

China

Sansho Yoko Ltd.—Tientsin and branch in China

Iran

Jonberg Thorsen Sherkat Tazamoni-Tehran.

Japan

Holland Asiatic Trading Co.—K
Kyodo Gyogokk—Tokyo.
Sansho Yoko Ltd.—Osaka.

Portuguese E. Africa

Correia and Martins Ltd.—Lourques.

Thailand

ansho Yoko Ltd.—Bangkok.
talo-Thai Trading Developme Bangkok.

PART II.—DELETIONS

China

attison, A.P. & Co.—9, Quai de rance, Shanghai.

Thailand

luphan Panich & Co.—Bangkok.

A. DEC. WILLIAMS,
Secy. to the Govt. of India.

31. The Government may delegate all or any of the powers conferred on it by any of the provisions of this Act to the Board or to the Controller of coffee. Power of delegation.

32. The Emergency Act continued by the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941, is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act or the Mysore Coffee Market Expansion (Emergency Continuance) Act, 1941, shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 21st December 1940. Repeal and Savings.

5. THE MYSORE EUROPEAN BRITISH SUBJECTS REINSTATEMENT (AMENDMENT) BILL.

Statement of Principles.

In order that a statutory liability may be cast on an employer in Mysore, of a European British subject who was employed by him but called up for national service in the armed forces of the Crown or in Civilian employment, to reinstate him at the termination of such national service, an Act has been passed in July called the Mysore European British Subjects Reinstatement Act (XVI of 1941). This Act supplements the National Service (European British Subjects) Act, 1940 of the Indian Legislature.

In June 1941 an Ordinance has been promulgated in British India making certain amendments to the British Indian Act noticed above. Certain amendments have been thereby rendered expedient in the Mysore Act XVI of 1941 and the present Bill seeks to incorporate them. The main changes proposed are briefly—

(1) to provide for reference to a tribunal which has to decide, *inter alia*, questions relating to reinstatement, even those cases where an employer refuses to, or denies his liability to, reinstate a European British Subject. The existing provision limits such references only to cases where an employer represents that such reinstatement is impracticable; and

(2) to prevent an employer from evading his liability to reinstate by terminating the services of an employee prior to his being actually called up, by making the liability attach even in such cases.

THE MYSORE EUROPEAN BRITISH SUBJECTS REINSTATEMENT (AMENDMENT) BILL.

WHEREAS it is expedient to amend the Mysore European British Subjects Reinstatement Act, 1941 (XVI of 1941); It is hereby enacted as follows:—

1. This Act may be called the Mysore European British Subjects Reinstatement (Amendment) Act, 194

2. (1) Section 3 of the Mysore European British Subjects Reinstatement Act, 1941, shall be renumbered as sub-section (1) of that section and in the said section as so renumbered—

(*a*) for the words, "at the termination of that service" the words, "at the termination of his national

service or service in the armed forces or training as cadet where such training is not followed by service i the armed forces, as the case may be," and for the words "had he not been so taken into service as aforesaid" th words "had his employment not been so interrupted shall be substituted

(*b*) in the first proviso, for the words "Provide that if for any reason the reinstatement of such perso or member," the following words shall be substituted namely

"Provided that if the employer refuses t reinstate such person, or denies his liability to reinstat such person or if for any reason the reinstatement o such person

and the words "or member)" where they occur for th second and third times shall be omitted

(*c*) in the second proviso, for the words "from th termination of the national service for which he wa called up under the Act" the words "from the termina tion of his national service or service in the armed force or training as a cadet where such training is not followe

NOTIFICATION.

No. Rl. 922, *dated Bangalore, the* 12*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore European British Subjects Reinstatement (Amendment) Bill, together with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

THE MYSORE EUROPEAN BRITISH SUBJECTS REINSTATEMENT (AMENDMENT) BILL.

Statement of Objects and Reasons.

In order that a statutory liability may be cast on an employer in Mysore, of a European British subject who was employed by him but called up for national service in the armed forces of the Crown or in Civilian employment, to reinstate him at the termination of such national service, an Act has been passed in July called the Mysore European British Subjects Reinstatement Act (XVI of 1941). This Act supplements the National Service (European British Subjects) Act 1940 of the Indian Legislature.

In June 1941 an Ordinance has been promulgated in British India making certain amendments to the British Indian Act noticed above. Certain amendments have been thereby rendered expedient in the Mysore Act XVI of 1941 and the present Bill seeks to incorporate them. The main changes proposed are briefly—

(1) to provide for reference to a tribunal which has to decide, *interalia*, questions relating to reinstatement, even those cases where an employer refuses to, or denies

his liability to, reinstate a European British Subject. The existing provision limits such references only to cases where an employer represents that such reinstatement is impracticable; and

(2) to prevent an employer from evading his liability to reinstate by terminating the services of an employee prior to his being actually called up, by making the liability attach even in such cases.

THE MYSORE EUROPEAN BRITISH SUBJECTS REINSTATEMENT (AMENDMENT) BILL.

WHEREAS it is expedient to amend the Mysore European British Subjects Reinstatement Act, 1941 (XVI of 1941); It is hereby enacted as follows:—

1. This Act may be called the Mysore European British Subjects Reinstatement (Amendment) Act, 194 .

2. (1) Section 3 of the Mysore European British Subjects Reinstatement Act, 1941, shall be renumbered as sub-section (1) of that section and in the said section as so renumbered—

(*a*) for the words, "at the termination of that service" the words, "at the termination of his national service or service in the armed forces or training as a cadet where such training is not followed by service in the armed forces, as the case may be," and for the words, "had he not been so taken into service as aforesaid" the words "had his employment not been so interrupted" shall be substituted;

(*b*) in the first proviso, for the words "Provided that if for any reason the reinstatement of such person or member," the following words shall be substituted, namely:—

"Proveded that if the employer refuses to reinstate such person, or denies his liability to reinstate such person or if for any reason the reinstatement of such person,"

and the words "or member" where they occur for the second and third times shall be omitted;

(*c*) in the second proviso, for the words "from the termination of the national service for which he was called up under the Act" the words "from the termination of his national service or service in the armed forces

or training as a cadet where such training is not followed by service in the armed forces, as the case may be" shall be substituted.

(2) To the said section as so renumbered, the following sub-section shall be added, namely :—

"(2) The duty imposed by sub-section (1) upon an employer to reinstate in his employment a person such as is described in that sub-section shall attach to an employer who, before such person is actually called up or taken into service, terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section, and such intention shall be presumed until the contrary is proved if the termination of the employment takes place after the issue of a notice under sub-section (1) of section 4 of the Act upon such person."

Bill as passed by the Legislative Council

J. H. Chandrasekharaiya
President
Legislative Council

26/12/41.

G. R. S. VI.—S-III/14]

DRAFT.

SUBJECT.....

Section. Legis
File No. ~~31-41~~ 36
Serial No. 1

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

, the.....*191*

Date of issue.....

Signed by.....

Order No. R.L. 1315

Ordered that the accompanying... Act to amend the Mysore European British Subjects Reinstatement (~~Amendment~~) Act 1941 which received the assent of His Highness the Maharaja, on the 6th day of January 1942, be published as ~~Regulation~~ Act No. II of 1942 in the *Mysore Gazette* for general information.

27.1.42

Secretary to Government.
Law Department

BKR 27.1.42

To

The Compiler, *Mysore Gazette*, for publication in Part ~~IV~~ III of the Gazette, in English and Kannada and for supply of Spare copies as per Std Orders ~~.....spare copies in English, and .....spare copies in Kannada~~ to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

NOTIFICATION.

No. Rl. 922, *dated Bangalore,*
the 12*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore European British Subjects Reinstatement (Amendment) Bill, together with the statement of objects and reasons.

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

THE MYSORE EUROPEAN BRITISH SUBJECTS REINSTATEMENT (AMENDMENT) BILL.

Statement of Objects and Reasons.

In order that a statutory liability may be cast on an employer in Mysore, of a European British subject who was employed by him but called up for national service in the armed forces of the Crown or in Civilian employment, to reinstate him at the termination of such national service, an Act has been passed in July called the Mysore European British Subjects Reinstatement Act (XVI of 1941). This Act supplements the National Service (European British Subjects) Act 1940 of the Indian Legislature.

In June 1941 an Ordinance has been promulgated in British India making certain amendments to the British Indian Act noticed above. Certain amendments have been thereby rendered expedient in the Mysore Act XVI of 1941 and the present Bill seeks to incorporate them. The main changes proposed are briefly—

(1) to provide for reference to a tribunal which has to decide, *inter alia*, questions relating to reinstatement, even those cases where an employer refuses to, or denies

his liability to, reinstate a European British Subject. The existing provision limits such references only to cases where an employer represents that such reinstatement is impracticable; and

(2) to prevent an employer from evading his liability to reinstate by terminating the services of an employee prior to his being actually called up, by making the liability attach even in such cases.

Act No V of 1942

THE MYSORE EUROPEAN BRITISH SUBJECTS REINSTATEMENT (AMENDMENT) ~~BILL~~. Act

Received the assent of His Highness the Maha

WHEREAS it is expedient to amend the Mysore European British Subjects Reinstatement Act, 1941 (XVI of 1941); It is hereby enacted as follows:—

1. This Act may be called the Mysore European British Subjects Reinstatement (Amendment) Act, 1942.

2. (1) Section 3 of the Mysore European British Subjects Reinstatement Act, 1941, shall be renumbered as sub-section (1) of that section and in the said section as so renumbered—

(*a*) for the words, "at the termination of that service" the words, "at the termination of his national service or service in the armed forces or training as a cadet where such training is not followed by service in the armed forces, as the case may be," and for the words, "had he not been so taken into service as aforesaid" the words "had his employment not been so interrupted" shall be substituted;

(*b*) in the first proviso, for the words "Provided that if for any reason the reinstatement of such person or member," the following words shall be substituted, namely:—

"Proveded that if the employer refuses to reinstate such person, or denies his liability to reinstate such person or if for any reason the reinstatement of such person,"

and the words "or member" where they occur for the second and third times shall be omitted;

(*c*) in the second proviso, for the words "from the termination of the national service for which he was called up under the Act" the words "from the termination of his national service or service in the armed forces

or training as a cadet where such training is not followed by service in the armed forces, as the case may be " shall be substituted.

(2) To the said section as so renumbered, the following sub-section shall be added, namely : —

" (2) The duty imposed by sub-section (1) upon an employer to reinstate in his employment a person such as is described in that sub-section shall attach to an employer who, before such person is actually called up or taken into service, terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section, and such intention shall be presumed until the contrary is proved if the termination of the employment takes place after the issue of a notice under sub-section (1) of section 4 of the Act upon such person."

(Sd) N. Madhava Rao
Dewan

NOTIFICATION.

Order No. R. L. 1315—*Legis.* 36-41-1, *dated Bangalore, the 27th January* 1942.

Ordered that the accompanying Act to amend the Mysore European British Subjects Reinstatement Act, 1941, which received the assent of His Highness the Maharaja, on the 6th day of January 1942, be published as Act No. V of 1942, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. V OF 1942.

The Mysore European British Subjects Reinstatement (amendment) Act, 1942.

(*Received the assent of His Highness the Maharaja on the sixth day of January 1942.*)

WHEREAS it is expedient to amend the Mysore European British Subjects Reinstatement Act, 1941, (XVI of 1941);

It is hereby enacted as follows:—

1. This Act may be called the Mysore European British Subjects Reinstatement (amendment) Act, 1942.

2. (1) Section 3 of the Mysore European British Subjects Reinstatement Act, 1941, shall be renumbered as sub-section (1) of that section and in the said section as so renumbered—

(*a*) for the words, "at the termination of that service" the words, "at the termination of his national service or service in the armed forces or training as a cadet where such training is not followed by service in the armed forces, as the case may be," and for the words, "had he not been so taken into service as aforesaid" the words "had his employment not been so interrupted" shall be substituted;

(*b*) in the first proviso, for the words "Provided that if for any reason the reinstatement of such person or member," the following words shall be substituted, namely :—

"Provided that if the employer refuses to reinstate such person, or denies his liability to reinstate such person or if for any reason the reinstatement of such person,

and the words "or member" where they occur for the second and third times shall be omitted;

(*c*) in the second proviso, for the words "from the termination of the national service for which he was called up under the Act" the words "from the termination of his national service or service in the armed forces or training as a cadet where such training is not followed by service in the armed forces, as the case may be" shall be substituted.

(2) To the said section as so renumbered, the following sub-section shall be added, namely :—

"(2) The duty imposed by sub-section (1) upon an employer to reinstate in his employment a person such as is described in that sub-section shall attach to an employer who, before such person is actually called up or taken into service, terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section, and such intention shall be presumed until the contrary is proved if the termination of the employment takes place after the issue of a notice under sub-section (1) of section 4 of the Act upon such person."

N. MADHAVA RAU,

REGISTERED No. A388

Government Gazette

of the United Provinces

PUBLISHED BY AUTHORITY

ALLAHABAD, SATURDAY, 4TH MAY, 1940

PART VI-A

Acts of the Central Legislature

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

The following Act of the Indian Legislature received the assent of the Governor General on the 9th April, 1940, and is hereby promulgated for general information :

ACT No. XVIII OF 1940

An Act to make certain provisions relating to service by European British subjects in the armed forces of, ~~or in a civil capacity under~~, the Crown and in civilian employment.

WHEREAS it is expedient to make certain provisions relating to service by European British subjects in the armed forces of, or in a civil capacity under, the Crown ;

It is hereby enacted as follows :

1. (*1*) This Act may be called the National Service (European British Subjects) Act, 1940.

Short title, extent and commencement.

(*2*) It extends to the whole of British India, and applies also to European British subjects in any part of India.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(*a*) " competent authority " means, with reference to any person liable under this Act to be called up for ~~inquiry~~, the Officer Commanding the military district, or Independent Area, or Sind Area or Delhi Area, as the case may be, in which that person is for the time being resident;

(*b*) " European British subject " means any subject of His Majesty of European descent in the male line born, naturalised or domiciled in the British Islands or in any Dominion as defined in the Statute of Westminister, 1931, or in any Colony except Ceylon ; 22 Geo. 5, 4.

(*c*) " prescribed " means prescribed by rules made under this Act ;

(*d*) " national service " means service in the armed forces of the Crown or ~~in any civilian capacity under the Crown,~~ in a civilian capacity in pursuance of a notice issued under section 7.

3. (*1*) Every male European British subject for the time being in India, not being—

Liability to be called up for inquiry.

(*a*) a person in holy orders, or a regular minister of any religious denomination, or

(*b*) a member of His Majesty's regular Naval, Military or Air Forces, or a member of any Reserve of any such force who is liable under his terms of service in such Reserve to be called up for service at any time and not only on partial or general mobilisation, or

(*c*) a servant of the Crown, or

(*d*) a person not included in clause (*c*) who is serving in the service of a federal railway or an Indian State railway or a minor railway as defined in the Government of India Act, 1935.

shall be liable under this Act to be called up for ~~inquiry into his availability and fitness for~~ national service.

(*2*) A person liable to be called up for ~~inquiry~~ under this Act shall remain so liable until he has completed his fiftieth year and no longer.

(1) The competent authority may, after consultation with the National Service Advisory Committee constituted under section 5 cause to be served on any person, for the time being liable under this Act to be called up for inquiry, a written notice (hereinafter referred to in this Act as a calling-up notice) stating that he is called up for inquiry into his fitness and availability for national service and requiring him to present himself to such person and at such place and at such time (not earlier than the seventh day after the date of the service of the notice) as may be specified in the notice and to submit himself to examination by the National Service Advisory Committee constituted under section 5.

Calling up for inquiry.

(2) Where, a notice under sub-section (1) has been duly served on any person, the competent authority may, at any time while that person remains liable under this Act to be called up for inquiry, cancel the notice and cause to be served on him a further notice varying the original notice.

(3) A calling-up notice served on any person shall cease to have effect if, before the date on which he is thereby required to present himself, he ceases to be liable under this Act to be called up for inquiry.

(4) Such travelling and other allowances as may be prescribed shall be paid by the competent authority to any person required to present himself in accordance with any notice under this section.

(1) The Central Government shall constitute for such areas and in such places as it thinks fit committees (in this Act referred to as National Service Advisory Committees) to exercise the functions assigned to such committees by this Act.

National Service Advisory Committees.

(2) Each National Service Advisory Committee shall consist of not less than four members of whom one shall be an officer of one of His Majesty's Forces in India appointed by the competent authority, and the others shall be European British subjects, not being servants of the Crown appointed by the Central Government.

(3) The Chairman of the Committee shall be appointed by the Committee.

(4) A National Service Advisory Committee shall have power to co-opt as additional members for such time or purpose as it thinks fit persons qualified for appointment to the Committee by the Central Government.

(5) A National Service Advisory Committee may meet at such times and places as it thinks and shall meet when required to do so by the Central Government or by the competent authority.

shall be deemed to be a Civil Court with the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

(8) A National Service Advisory Committee may order any person called up for inquiry under sub-section (1) of section 4 to submit himself to be examined by a medical officer of the armed forces, and if he questions the decision of that officer, to appear before a medical board convened under military regulations.

6. The following shall be the functions of National Service Advisory Committees, namely :

Functions of National Service Advisory Committees.

(a) when consulted by the competent authority, to advise that authority on the exercise of that authority's powers under sub-section (1) of section 4 ;

(b) to examine the case of any person ordered under section 4 to present himself for inquiry, and to report to the competent authority whether such person is available (i.e., can be spared without detriment to the public interest from his existing employment) and is fit for national service ;

(c) when consulted by the Central Government, to advise the Central Government on any matter arising out of this Act which the Central Government may refer or is required by this Act to refer to the Committee.

(1) When a National Service Advisory Committee reports that a person is available and fit for national service, the competent authority shall require such person to state whether he is or is not willing to undertake such service and such person shall state accordingly.

Taking into service on the advice of a National Service Advisory Committee.

(2) If such person states that he is willing to undertake national service the competent authority may specify the capacity for which such person is suitable, and if he serves in such capacity such person shall, for the purposes of section 8, be deemed to be a person who has been taken into national service on the advice of a National Service Advisory Committee.

(1) It shall be the duty of any employer by whom a person who has been taken into national service on the advice of a National Service Advisory Committee, or by whom a European British subject who has been called out for service in the Reserve of His Majesty's Regular Naval, Military, or Air Forces at any time after the 2nd day of September, 1939, and before the termination of hostilities, or by whom a person subject to this Act who with the consent of his employers, was between the 2nd day of

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person or member on such terms as it thinks suitable, or requiring him to pay to such person or member a sum in compensation for failure to re-employ not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer ; and if any employer fails to obey the order of the tribunal, he shall be punishable with a fine which may extend to one thousand rupees ; and the Court by which an employer is convicted under this section may order him (if he has not already been so required by the tribunal) to pay the person whom he has failed to re-employ, a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer, and any amount so required by the tribunal to be paid or so ordered by the Court to be paid shall be

ed that if the employer refuses to reinstate such person or
s his liability to reinstate such person or if for any reason
reinstatement of such person —— (Continue as in Gazette)

quiring him to re-employ such

tendance of witnesses, and compelling the discovery and production of documents, and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898. V of 1898

Penalties and procedure.

10. (*1*) Whoever, wilfully fails to comply with any notice issued under section 4 or with any order given under ~~sub-section (7) of section 5, or sub-section (1) of section 7~~ shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

Service of notices.

11. Any notice to be served on any person for the purposes of this Act may be sent by post

or service in the armed forces or training as a cadet where such training is not followed by service in the armed forces, as the case may be.

(2) The duty imposed by sub-section (1) upon an employer to reinstate in his employment a person such as is described in that sub-section shall attach to an employer who before such person is actually called up or taken into service terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section, and such intention shall be presumed until the contrary is proved if the termination of employment takes place after the issue of a notice under sub-section (1) of section 4 upon such person

or section 7B or references under the proviso to section 8 to a Tribunal ;

(3) In making any rule under this section the Central Govt. may provide that a contravention of the rule shall be punishable with imprisonment for any term not exceeding 6 months or with fine not exceeding Rs. 1000/- or with both.

of and the particulars to be contained in a claim preferred under section 6A the conditions referred to in sub-section (1) of section 7B the rights and liabilities prescribed under section 7C ;

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The Bihar Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY.

PATNA. FRIDAY, AUGUST 2, 1940.

POLITICAL DEPARTMENT.

(Special Section.)

NOTIFICATIONS.

The 30th July 1940.

No. 2112-C.—The following notifications, by the Government of India, are hereby republished for general information.

Y. A. GODBOLE,

Chief Secretary to Government.

EXTERNAL AFFAIRS DEPARTMENT.

Simla, 24th July 1940.

No. 17-W.—In amplification of the notification of the Government of India in the External Affairs Department, no. 12-W., dated the 18th June 1940, it is notified for general information that the area specified below, being in the occupation of the enemy, is enemy territory for purposes of the Defence of India Rules:—

The Kingdom of Belgium, excluding the Belgian Congo and the mandated territory of Ruanda Urundi.

O. K. CAROE,

Secy. to the Govt. of India.

DEPARTMENT OF COMMERCE.

TREATIES (WAR.)

Simla, 27th July 1940.

No. 43 (31)-Tr.-(W.)/40.—In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, the Central Government is pleased to order that all property in British India, moveable and

immoveable, belonging to, or held by, or managed on behalf of, the Danish Pathan Mission, which being a body of persons constituted in Copenhagen, Denmark, is an enemy within the meaning of clause (*c*) of rule 97 of the said Rules, shall vest in the Custodian of Enemy Property for British India.

TREATIES (WAR.)

Simla, 25th July 1940

45 (3)-Tr.-(W.)/40.—In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, the Central Government is pleased to order that all property in British India, moveable or immoveable, belonging to, or held by, or managed on behalf of, the enemy firms specified in the Schedule hereto annexed or any of their branches, shall vest in the Custodian of Enemy Property for British India.

Schedule.

1. Omnipol (India), Limited, Bombay
2. Neuenhofer and Company, Coimbatore and Gudalur.
3. United Shippers and Traders Company, Noormahal, Tradeo Road, Bombay

Simla, 27th July 1940

No. 49 (24)-Tr.-(W.)/40.—In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, the Central Government is pleased to order that the deposit held in the Reserve Bank of India by Schweizerische National Verischerungs Gesellschaft (Swiss National Insurance Company, Limited), Basle, Switzerland, being a body of persons declared by the Central Government under clause (*d*) of rule 97 of the said Rules to be an enemy, shall vest in the Custodian of Enemy Property for British India.

The 31st July 1940.

No. 2139-C.—The following notification, by the Government of India, is hereby republished for general information.

Y. A. GODBOLE,
Chief Secretary to Government.

LEGISLATIVE DEPARTMENT.

Simla, 25th July, 1940.

ORDINANCE No. V OF 1940.

AN

ORDINANCE

to amend the National Service (European British Subjects) Act, 1940.

WHEREAS an emergency has arisen which renders it necessary to amend the National Service (European British Subjects) Act, 1940, for the purposes hereinafter appearing; XVIII of 1940.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :— 26 Geo. 5, C. 2.

1. *Short title and commencement.*—(1) This Ordinance may be called the National Service (European British Subjects) Amendment Ordinance, 1940.

(2) It shall come into force at once.

2. *Amendment of long title and preamble, Act XVIII of* 1940.—In the long title and preamble of the National Service (European British Subjects) Act, 1940 (hereinafter referred to as the said Act), for the words " in the armed forces of, or in a civil capacity under, the Crown " the following words shall be substituted, namely :—

" in the armed forces of the Crown and in civilian employment ".

3. *Amendment of section* 2, *Act XVIII of* 1940.—In section 2 of the said Act,—

(*a*) in clause (*a*), for the word " enquiry " the words " national service " shall be substituted;

(*b*) in clause (*d*), for the words " in any civilian capacity under the Crown " the words " in a civilian capacity in pursuance of a notice issued under section 7 " shall be substituted.

4. *Amendment of section* 3, *Act XVIII of* 1940.—In section 3 of the said Act,—

(*a*) in sub-section (*1*) the words " enquiry into his availability and fitness for " shall be omitted;

(*b*) in sub-section (*2*), for the word " enquiry ", the words " national service " shall be substituted.

5. *Amendment of section* 4, *Act XVIII of* 1940.—In section 4 of the said Act,—

(*a*) in sub-section (*1*) for the word " enquiry ", where it first occurs, the words " national service " and for the words " calling-up notice " the words " preliminary notice " shall be substituted;

(*b*) in sub-section (*2*) and sub-section (*3*), for the word " enquiry " the words " national service " shall be substituted;

(*c*) in sub-section (*3*) for the words " calling-up notice " the words " preliminary notice " shall be substituted.

(6) The Chairman of the Committee and any one other member of the Committee shall constitute a quorum."

Amendment of section 6, Act XVIII of 1940.—For clause (b) section 6 of the said Act the following clause shall be substituted, namely :—

"(b) to examine the case of any person ordered under section 4 to present himself for enquiry, and to report to the competent authority—

present himself at such place and time (not earlier than the seventh day after the date of the service of the notice) and to such authority as may be so specified; and, subject to the following provisions of this Act, the person upon whom the notice is served shall, when the notice states that he is called up for service in one of His Majesty's Forces, be deemed as from the day so specified to have been duly entered or enlisted for service in the force so specified, and, when the notice states that he is called up for service in a civilian capacity, be legally bound as from the day so specified to obey any directions given by the authority so specified as to his entering employment in a civilian capacity.

notice under sub-section (*1*) calling up a person for service in a civilian capacity shall be issued by the competent authority only at the request of, or otherwise in consultation with, an officer (or officers) empowered by the Central Government for the purposes of this sub-section to authorise such issue, and the authority specified in such notice as that to which the person called up shall present himself shall be such authority as that officer (or those officers) may direct.

here a calling-up notice has been duly served on any person, the competent authority may, at any time while that person remains liable under this Act to be called up for national service, cancel the notice and cause to be served on him a further notice varying the original notice.

calling-up notice served on any person shall cease to have effect if, before the date on which he is thereby required to present himself, he ceases to be liable under this Act to be called up for national service.

ch travelling and other allowances as may be prescribed shall be paid by the competent authority to any person required to present himself in accordance with a calling-up notice.

ppeals in connection with calling-up notices.—(*1*) Where a calling-up notice is served under section 7 upon any person who has been reported by the National Service Advisory Committee to be not available for national service, a copy of the notice shall at the same time be served upon his employer, and that person himself or the employer of that person may, at any time before the seventh day from the service of the notice, appeal against the order to the Tribunal constituted under section 9.

nere a calling-up notice is served under section 7 upon any person who has been reported by the National Service Advisory Committee to be available for national service, a copy of the notice shall be served at the same time on his employer, if any, and that person himself or the employer, if any, of that person may, at any time before the seventh day from the service of the notice, appeal against the order to the Tribunal constituted under section 9.

y person, on whom a calling-up notice under section 7 is served, may, without prejudice to the provisions of sub-section (*1*) and sub-section (*2*), at any time before the seventh day from the service of the notice, appeal to the Tribunal constituted under section 9 on the ground that he is not fit for the service for which he is called up.

nding the disposal of an appeal under this section, the notice under section 7 shall be deemed to be suspended, and if the Tribunal decides that such person is not available for national service or is not fit for the service specified in the notice, as the case may be, the notice shall be cancelled.

(*b*) sub-section (*2*) shall be re-numbered as sub-section (*4*) and the following sub-sections shall be inserted as sub-sections (*2*) and (*3*), namely :—

" (*2*) Whoever, having entered civilian employment in pursuance of a direction given by the authority specified in a notice issued under section 7, leaves that employment without the permission of the competent authority shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(*3*) Whoever, being an employer under whom any person enters employment in a civilian capacity in pursuance of a notice issued under section 7, fails to comply in all respects with the terms of service laid down under section 7B in respect of such person, shall, without prejudice to any civil liability incurred by such failure, be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both."

13. *Insertion of new section* 11A, *Act XVIII of* 1940.—After section 11 of the said Act, the following section shall be inserted, namely :—

" 11A. *Bar of legal proceedings.*—No suit or other proceeding shall lie in any Court in respect of anything done or in good faith intended to be done under this Act."

14. *Amendment of section* 12, *Act XVIII of* 1940.—In section 12 of the said Act,—

(*a*) In sub-section (*2*),—

(*i*) after the word and figure " section 4 ", where they occur for the first time, the words, brackets and figures " and sub-section (*1*) of section 7 " shall be inserted;

(*ii*) after the word and figure " section 4 ", where they occur for the second time, the following shall be inserted, namely :—

" and sub-section (*5*) of section 7, the form of and the particulars to be contained in a claim preferred under section 6A, the conditions referred to in sub-section (*1*) of section 7B, the rights to be prescribed under section 7C ";

(*iii*) for the words and figure " in references to a Tribunal under the proviso to section 8 " the following shall be substituted, namely :—

" in appeals under sub-section (*4*) of section 6A or section 7A or section 7B or references under the proviso to section 8 to a Tribunal ";

(*b*) the following sub-section shall be added, namely :—

" (*3*) In making any rule under this section the Central Government may provide that a contravention of the rule shall be punishable with imprisonment for any term not exceeding six months or with fine not exceeding